

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TRUSTEES OF THE INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 825 BENEFIT FUNDS,

Petitioners,

v.

TRADEWINDS CONSTRUCTION INC.,

Respondent.

Civil Action No. 23-4034 (MAS) (DEA)

MEMORANDUM ORDER

This matter comes before the Court on Petitioners Trustees of the International Union of Operating Engineers Local 825 Benefit Funds' ("Petitioners") Petition to Confirm Arbitration Award ("Petition") (ECF No. 1) and Motion to Confirm Arbitration Award ("Motion") (ECF No. 2). Respondent Tradewinds Construction Inc. ("Respondent") has not appeared in this action.

In a *single* Petition and Motion, Petitioners seek to confirm thirteen (13) *independent arbitration awards*, as set forth below.

Award Date	Delinquency Period	Principal Contributions	Interest	Liquidated Damages	Attorney's Fees & Costs	Arbitrator's Fee	Total Due
2/14/23	10/1/22-10/7/22	\$8,415.05	\$103.74	\$1,683.01	\$879.00	\$800.00	\$11,880.80
2/14/23	10/8/22-10/14/22	\$5,188.30	\$63.96	\$1,037.66	\$556.33	\$800.00	\$7,646.25
2/14/23	10/15/22-10/21/22	\$8,983.97	\$110.76	\$1,796.79	\$935.89	\$800.00	\$12,627.41
2/14/23	10/22/22-10/28/22	\$9,438.47	\$116.36	\$1,187.69	\$981.34	\$800.00	\$13,223.86
3/21/23	11/5/22-11/11/22	\$6,893.39	\$89.70	\$1,378.67	\$726.83	\$800.00	\$9,888.59

Award Date	Delinquency Period	Principal Contributions	Interest	Liquidated Damages	Attorney's Fees & Costs	Arbitrator's Fee	Total Due
3/21/23	11/12/22-11/18/22	\$6,592.20	\$85.78	\$1,318.44	\$696.72	\$800.00	\$9,493.14
3/21/23	11/19/22-11/25/22	\$9,921.53	\$129.11	\$1,984.30	\$1,029.65	\$800.00	\$13,864.59
4/18/23	10/29/22-11/4/22	\$8,710.00	\$117.58	\$1,742.06	\$908.53	\$800.00	\$12,278.49
4/18/23	11/26/22-12/2/22	\$7,301.48	\$98.56	\$1,460.29	\$767.64	\$800.00	\$10,427.97
6/20/23	12/4/22-12/10/22	\$5,965.94	\$84.95	\$1,193.18	\$634.09	\$800.00	\$8,678.16
6/20/23	12/11/22-12/17/22	\$7,413.89	\$105.57	\$1,482.77	\$778.88	\$800.00	\$10,581.11
6/20/23	12/18/22-12/24/22	\$6,309.07	\$89.83	\$1,261.81	\$668.40	\$800.00	\$9,129.11
6/20/23	12/25/22-12/31/22	\$8,842.09	\$125.90	\$1,768.41	\$921.70	\$800.00	\$12,458.10
TOTAL		\$99,975.38	\$1,321.80	\$19,295.08	\$10,485.00	\$10,400.00	\$142,177.58

The Court previously raised concerns regarding multiple arbitration awards in one application in *Petitioners v. Tricon Enterprises, Inc.* (No. 22-2885, ECF No. 4.) Based on Petitioners' response to the Court's order in *Tricon Enterprises* (No. 22-2885, ECF No. 7), and the seeming practice of judges within this district approving multiple awards in one petition, the Court confirmed the arbitration awards. (No. 22-2885, ECF Nos. 7, 8.) The Court, nevertheless, remains concerned regarding Petitioners' repeated practice in this case.

Significantly, Petitioners seek to confirm *multiple individual arbitration awards* with *separate arbitrators' fees* and *separate attorneys' fees*. Petitioners then package them all in a *single* application to the Court with a *single* filing fee. If the matters are so interrelated that they only require a *single* Court application with a *single* filing fee, the Court queries why the matters require multiple individual arbitration awards with separate arbitrators' fees and separate

attorneys' fees.¹ Nevertheless, the Court will grant Petitioners' motion in this instance. If, however, the Court receives similar motions requesting confirmation of multiple individual arbitration awards after the date of this Memorandum Order, it may issue an Order to Show Cause to that effect and schedule oral argument on the Order to Show Cause. Based on the foregoing,

IT IS, on this 13th day of February 2024, **ORDERED** as follows:

1. Petitioners' Motion to Confirm Arbitration Awards (ECF No. 2) is **GRANTED**.
2. Petitioners shall recover from Respondent the cumulative sum of \$142,177.58, which represents the total amount awarded by the Arbitrator in the abovementioned arbitration awards, plus the costs of this action in the amount of \$402.00, for a total amount of **\$142,579.58**.
3. Petitioners shall serve a copy of this Memorandum Order upon Respondent by **February 21, 2024**. Petitioners shall e-file proof of service by **February 28, 2024**.

s/ Michael A. Shipp

MICHAEL A. SHIPP

UNITED STATES DISTRICT JUDGE

¹ Petitioners would most likely assert that each arbitration award request required separate evaluation by counsel, a separate application to the arbitrator, and a separate evaluation by the arbitrator. To that end, the Petition and Motion request confirmation of arbitrator fees of \$800.00 per *individual arbitration*, for a total of \$10,400.00. The Petition and Motion request attorneys' fees of between \$556.33 and \$1,029.65 *per arbitration*, totaling \$10,485.00. That same rationale should apply equally to the Court. Namely, Petitioners should file separate petitions because the Court is required to evaluate the propriety of each individual arbitration award.